

**REMARKS**

Reconsideration of this application, as amended, is respectfully requested.

In the Official Action, the Examiner rejects claims 1-4 and 6-8 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,409,483 to Campbell (hereinafter "Campbell"). Furthermore, the Examiner rejects claims 1-3, 5 and 6 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,432,046 to Yarush (hereinafter "Yarush").

In response, independent claims 1, 6 and 7 have been amended to clarify their distinguishing features, claim 2 has been canceled and the dependent claims have been amended, where necessary, to be consistent with their amended base claim. The amendment to claims 1, 6 and 7 are fully supported in the original disclosure. Thus, no new matter has been introduced into the disclosure by way of the present amendment to claims 1, 6 and 7.

Campbell discloses a technique to have the endoscope assembly 1025 connected to the proximal end side of the sheath 1020 in a surgical operating instrument (See Fig. 9). Yarush discloses a technique to have the sensor array 91 for picking up the optical image transmitted by the lens tube 32 arranged in the housing body 48 (See Fig. 3 and 4). Further, in the camera of Yarush, although the fiber bundle 112 which is inserted in the adding adapter 80 is provided, it is for transmitting illuminating light.

Thus, although the Campbell and Yarush references do not disclose or suggest all of the features of claims 1, 6 and 7, the same have been amended in the interests of advancing prosecution to clearly distinguish over the cited references. Claim 1 has been amended to recite that the elongated inserting portion is "flexible," that the operating portion mounted on the proximal end side of the inserting portion and has a grip portion capable of being gripped by an operator and "a plate frame provided in the operating portion ... having a

notch portion to mount the image pick-up unit..." Claims 6 and 7 have been amended to include and/or originally include similar features. The Campbell and Yarush references simply do not disclose or suggest such features.

Thus, independent claims 1, 6 and 7 recite an image pick-up unit/electric device provided in the operating/grip portion and a flexible inserting portion and a plate frame. Claim 1 and 6 further recite a plate frame/internal structure in the operating/grip portion having a notch portion to mount the image pick-up unit /electric device.

With regard to the rejections of claims 1-8 under 35 U.S.C. § 102(b), an endoscope having the features discussed above and as recited in independent claims 1, 6 and 7, is nowhere disclosed in either Campbell or Yarush. Since it has been decided that "anticipation requires the presence in a single prior art reference, disclosure of each and every element of the claimed invention, arranged as in the claim,"<sup>1</sup> independent claims 1, 6 and 7 are not anticipated by either Campbell or Yarush. Accordingly, independent claims 1, 6 and 7 patentably distinguish over both Campbell and Yarush and are allowable. Claims 2-5 and 8 being dependent upon claims 1 and 7 are thus at least allowable therewith. Consequently, the Examiner is respectfully requested to withdraw the rejections of claims 1-8 under 35 U.S.C. § 102(b).

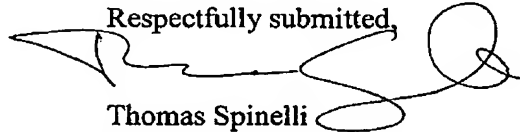
Furthermore, new claims 9 and 10 have been added to further define the patentable invention. New claims 9 and 10 are fully supported in the original disclosure. Thus, no new matter has been entered into the disclosure by way of the addition of new claims 9 and 10. Applicants respectfully submit that new claims 9 and 10 are at least allowable as depending upon an allowable base claim (1 and 7, respectfully).

---

<sup>1</sup> Lindeman Maschinenfabrik GMBH v. American Hoist and Derrick Company, 730 F.2d 1452, 1458; 221 U.S.P.Q. 481, 485 (Fed. Cir., 1984).

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,



Thomas Spinelli  
Registration No.: 39,533

Scully, Scott, Murphy & Presser, P.C.  
400 Garden City Plaza, Suite 300  
Garden City, New York 11530  
(516) 742-4343  
TS:cm